

Exhibit 1

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

RESURRECTION SCHOOL; CHRISTOPHER
MIANECKI, individually and as next friend on
behalf of his minor children C.M., Z.M., and N.M.;
and STEPHANIE SMITH, individually and as
next friend on behalf of her minor child F.S.,
Plaintiffs,

No. 1:20-cv-1016

v.

ROBERT GORDON, in his official capacity as the
Director of the Michigan Department of Health
and Human Services; DANA NESSEL, in her
official capacity as Attorney General of the State
of Michigan; LINDA S. VAIL, in her official
capacity as the Health Officer of Ingham County;
and CAROL A. SIEMON, in her official capacity
as the Ingham County Prosecuting Attorney,
Defendants.

**DECLARATION OF JACOB ALLSTOTT, PRINCIPAL OF PLAINTIFF
RESURRECTION SCHOOL**

I, Jacob Allstott, make this declaration pursuant to 28 U.S.C. § 1746 and based on my personal knowledge and upon information and belief where noted.

1. I am an adult citizen of the United States, and I am the Principal of Resurrection School, operated by Church of the Resurrection Parish in Lansing, Michigan.

2. Resurrection School is a Catholic school that has adopted a curriculum and disciplinary policies that honor the dignity of every student, and it provides an education based upon the teachings of the Catholic faith.

3. Resurrection School defines itself as a Catholic Liberal Arts school that exists as an alternative educational system with a unique philosophy and purpose. Above all, the school strives to build a strong sense of Catholic identity and spiritual well-being.

4. Resurrection School's disciplinary policies follow its mission to instill Christian formation by which children become disciples of Christ. Resurrection School believes that it is through the individual formation of each child that they are able to see themselves and the world through God's eyes, and to act as God would have him act at all times. The goal, then, of discipline is to recognize the dignity of each human person and to take into consideration the workings of grace as well as of sin and conversion. The word "discipline" comes from the same root as the word "disciple," which means to learn. Therefore, Resurrection School sees discipline as the process of learning virtue and the following of the precepts of Christ. The emphasis is placed on each student's development of self-discipline and responsibility based on Christian virtue.

5. Resurrection School adheres to a Disciple of Christ Virtue Curriculum. The school intentionally selects and focuses on virtues to be cultivated in each of its students. Resurrection School requires that faculty or staff members identify the specific virtues a child may need to cultivate.

6. Resurrection School's Virtue Curriculum follows the Catechism of the Catholic Church (CCC) that defines virtue as a "habitual and firm disposition to do the good. It allows the person not only to perform good acts, but to give the best of himself. The virtuous person tends toward the good with all his sensory and spiritual powers; he pursues the good and chooses it in concrete actions." CCC § 1803.

7. In accordance with the teachings of the Catholic faith, Resurrection School believes that every human has dignity and is made in God's image and likeness. Resurrection School believes that for young children, a mask can shield our humanity and prevent the level of communication necessary for classroom instruction.

8. Resurrection School also believes that masks can make children anti-social and can interfere with the development of personal relations. As the Catholic faith teaches, we are relational beings. And our existence as relational beings points to the Holy Trinity. A mask can be disruptive to this essential element of the Catholic faith, and it is disruptive to the teaching of young children in the classroom for these and other reasons.

9. Resurrection School believes that God’s plan involves learning from each other because God blesses each person with different and diverse talents to share. These differences encourage enrichment among its students, as God “has willed that one should need another and that all should be my ministers in distributing the graces and gifts they have received from [God].” CCC § 1937.

10. Resurrection School seeks to instill confidence in its students and encourage social interactions that replicate the life and teachings of Jesus Christ.

11. For example, Resurrection School seeks to impart the virtue of mercy through actions of forgiveness. For example, when a student has wronged or hurt another student, a teacher guides the student through the reconciliation process and facilitates a face to face apology with the student who was harmed. A mask interference with this important human interaction—an interaction that is essential to the spiritual well-being of the students.

12. Resurrection School sees moments of conflict, whether working on a difficult concept, struggling with reading or a complex math concept, or disagreement between students, as moments to evangelize.

13. Resurrection School is devoted to helping and serving all students, especially students who inspire others through persisting and learning with exceptionalities, such as learning disabilities, an extra twenty-first chromosome, or setbacks from a troubled childhood.

14. Resurrection School is proud of instilling the love and wonder of a Catholic, liberal arts curriculum and guiding its students in a multi-disciplinary approach that infuses the Catholic faith every facet of the students' day.

15. The students are the focus and reason for the existence of Resurrection School. The faculty works for the betterment, education, and divinization of their students, as the ultimate goal of Catholic education is to prepare each child to become a Saint.

16. Resurrection School partners with the students' parents, who are the first educators of their children according to the Catechism of the Catholic Church. Accordingly, Resurrection School listens to parents in its school community, and it strives to give voice and the appropriate authority to them.

17. The Resurrection School parent community, in large measure, deeply disagrees with and objects to the challenged order that requires young children in kindergarten through fifth grade to cover their faces while engaged in the process of learning, even while socially distanced in the classroom.

18. Resurrection School seek to take responsible measures to ensure health and safety.

19. Resurrection School desires to provide a stable and normalized environment for its students where they can establish friendships and a healthy spiritual life and receive an enriching Catholic education.

20. Prior to the 2020-21 school, year, I worked to establish strict safety protocols and methods to return to in-person schooling at Resurrection School. The work is memorialized as Resurrection COVID-19 Preparedness and Response Plan 2020-21 submitted on August 14, 2020.

21. Resurrection School requires that students wear masks walking into school and in any common areas of the school, such as hallways. I have implemented a map and traffic system

to establish social distancing when parents drop students off at the beginning of the school day and pick students up at the end of the day.

22. Resurrection School requires strict health screening before a child may enter the school. The School requires that families abide by local and state health screening protocol and informs families of this protocol.

23. Resurrection School follows a traffic schedule for the hallways, so no classes interact in common areas throughout the day. Individual classes are considered to be “cohorts” and do not interact with other classes. The classes are then further broken down into “pods.” Each student is in a pod with three other students.

24. Cohorts are isolated during lunch and recess and do not interact with other cohorts.

25. Student pods sit by each other in the classroom, eat lunch together, attend Mass together, while practicing social distancing as best as possible.

26. Resurrection school ensures student hygiene by teaching proper handwashing and designating multiple times throughout the day for cohorts to wash their hands and use hand sanitizer. As they enter any classroom, the children are directed to use the wall-mounted sanitizer dispenser.

27. No outside visitors are allowed in the school. No teachers who also teach at another school are allowed into the school. They must teach virtually, and their lessons are uploaded for completion from home.

28. Resurrection School installed UV-C air purification systems in each room to kill airborne containments and continuously runs the systems when the school is in session.

29. Resurrection School follows a strict sanitization protocol. No less than three times a day, the school uses a commercial grade antimicrobial fogger to disinfect all common areas. All surfaces are cleaned at least every four hours as outlined by the EPA and the CDC.

30. Resurrection School requires social distancing in the classroom and in all common areas with postings throughout the school to indicate proper distancing.

31. Resurrection School provides instruction while students are separated into pods within their cohort.

32. Every family at Resurrection School must adhere to the school's policies in order to continue attending school. This includes such things as continuous monitoring of the students and family's health for COVID-19 symptoms and taking students' temperatures at home every morning using an oral, tympanic, or temporal scanners. Anyone experiencing any potential symptoms of COVID-19 or who has been in close contact to a positive case must stay home.

33. The parents at Resurrection School have committed to not using any busing to avoid any contact between different cohorts and to avoid contact with anyone outside the school.

34. Families at Resurrection School are committed to limiting their contact with others outside of school hours to reduce the spread of COVID-19.

35. Resurrection School has suspended all school assemblies that would involve more than one cohort.

36. Resurrection School has suspended all field trips.

37. Resurrection School has been intentional and careful to preserve the most important aspect of its school: the religious and virtue-based education received in the classroom.

38. To date, Resurrection School has avoided any outbreaks within its school due to following this strict protocol.

39. From August 2020 until October 9, 2020, Resurrection School educated its students without any outbreak or transmission of COVID-19 pursuant to extensive safety protocol. The children in kindergarten through fifth grade were not required to wear facial coverings in the classroom while seated at their desks. This practice did not pose a danger to health and safety; there were no incidences of COVID-19. And the practice allowed children to remove their facial coverings at their desks while engaging in Resurrection School's curriculum.

40. Under Director Gordon's October 9, 2020 order, all children in grades kindergarten through fifth grade are now required to wear facial coverings in the classroom at all times.

41. Resurrection School has observed young children experience difficulties in following the challenged order.

42. Resurrection School has observed C.M., Z.M., and N.M. struggle to tolerate a facial mask.

43. Resurrection School has observed that requiring facial masks in the younger grades, specifically kindergarten through fifth grade, poses pedagogical challenges of speaking and listening, distracts from the school's religious mission and virtue curriculum, and requires the school to enforce the order on its students.

44. The order requires that Resurrection School change its disciplinary policies, as the school would not normally have to require students to cover their faces during its educational lessons.

45. Requiring a young student in grades kindergarten through fifth grade who is experiencing an observable difficulty in tolerating a facial mask to re-cover his/her face or to continue wearing the facial mask, when the student is not near other students or staff, violates the sincerely held religious beliefs of Resurrection Church.

46. There is little to no identifiable benefit to requiring young children to continuously wear facial masks when the student is socially distanced at his/her desk. However, young children have exhibited that this practice is problematic.

47. Some young students have acted more withdrawn.

48. Facial masks have hindered and made communication more difficult.

49. Many students have been distracted during class because of their facial masks and have required re-direction.

50. Students who are most at risk or who already harbor learning challenges appear at greater risk for experiencing difficulties with wearing facial masks.

51. I have observed students drop their face masks on the ground and then put them on their faces. In one instance, I observed a student drop his facemask onto the ground and then place the mask directly in his mouth.

52. Despite direction on the proper handling of facial masks, young students do not possess the fine motor skills or the cognitive acuity to handle masks properly, say as a medical professional would. From my observations when charged with wearing facial masks for an extended period of time, young children in kindergarten through fifth grade actually handle facial masks in a manner that appears more harmful and would contribute to the spread of germs and viruses.

53. Having great sympathy for the young students at our school and knowing that many problems with wearing facial coverings stem from matters beyond their control, such as behavioral, emotional, or developmental reasons, Resurrection School does not believe it can discipline young students for improperly wearing facial coverings without violating our sincerely held Catholic beliefs and virtue curriculum.

54. As a Catholic School, we are required to act in accordance with our conscience to preserve fundamental rights and the teachings of the Gospel. CCC § 2242.

55. According to the Catechism of the Catholic Church, receiving a religious education in accordance with parental authority is a fundamental right. CCC § 2229.

56. The Catholic Church believes that “Public authorities have the duty of guaranteeing this parental right and of ensuring the concrete conditions for its exercise.” CCC § 2229. Resurrection School does not believe, however, that conditions put in place by public authorities that distract, upset, frustrate, and disregard the behavioral, developmental, and cognitive challenges of our youngest children in the classroom setting are “concrete.”

57. The challenged order requires that ministers of Resurrection School enforce the order and/or discipline students for non-compliance with the order or face misdemeanor charges and/or fines.

58. Enforcing the condition imposed by the challenged order on young children in the classroom who are trying to receive a Catholic education violates our sincerely held religious beliefs.

59. Resurrection School believes, for example, that a kindergartener who is learning how to read a Bible verse and who struggles with her speech should be able to remove her facial covering, when at her desk and within her pod, so she can be audibly heard by the class and so she can receive help in reading and pronouncing the words correctly.

60. The challenged order allows people to remove facial coverings for many reasons, such as voting, attending a public religious worship ceremony, sitting at a table at a restaurant or bar, reciting a speech, and receiving services that require the removal of a facial covering, such as spa, tattoo, and cosmetic services.

61. Learning how to read the Bible and receiving and participating in a Catholic education seems at least as important, and to practicing Catholics, much more important, than the exemptions allowed by the challenged order.

62. In the Catholic faith, selecting a Parish and its Parish school involves a deep faith discernment as “[t]he parish is the Eucharistic community and the heart of the liturgical life of Christian families; it is a privileged place for the catechesis of children and parents.” CCC § 2226.

63. Resurrection School seeks to preserve its student disciplinary policies and virtue curriculum without unjust interference from the state and without re-ordering or de-emphasizing what the school considers to be virtuous and important.

64. While safety is exceptionally important, and Resurrection School remains devoted to providing as safe of an environment as possible, eternal salvation holds the utmost importance to its curriculum and the future of its students’ souls. Matthew 18:8-9.

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Executed on the 27th day of October 2020.



Jacob Allstott